

REQUEST FOR QUALIFICATIONS (RFQ)

8 Corners Development

RFQ Issued: May 24, 2018

Response Date: June 22, 2018

The Village of Brookfield, IL is seeking submittals from qualified developers for the redevelopment of Village-owned property, including property located within the 8 Corners Tax Increment Financing (TIF) District, that would implement the Village's economic development goals. This document and all supporting materials are posted on the Village of Brookfield website.

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I. Introduction

The Village of Brookfield, Cook County, Illinois is seeking qualifications from a developer or development team for the redevelopment of certain Village-owned property, including property within the 8 Corners TIF District. The Village seeks a development that would help implement the Village’s economic development goals as established in the new *Comprehensive Plan* and in the *8 Corners TIF Plan*.

The purpose of this RFQ is to identify qualified developers and invite their submittals. The Village will review each development submission received in order to select a developer/developer team that the Village determines to be the best suited to this project. Selection is based on the long-range objectives as documented in existing Village plans.

About Brookfield

Located just 13 miles west of downtown Chicago, Brookfield is a close-in suburb combining the best of city and suburban living. The Village offers cultural and recreational amenities and easy access to downtown Chicago, while providing families the strong schools and conveniences of suburban living.

Brookfield is a vibrant, diverse community of 19,085 individuals supporting strong schools, an excellent library, moderate taxes, convenient transportation, and extensive parks and recreation programs. We are committed to economic development, excellence in public service, and making our neighborhoods better and safer.

Key Metrics for Real Estate Investors

DEMOGRAPHIC METRICS

	Brookfield	Cook County	Illinois
2013 Population (est.)	19,039	5,246,635	12,890,552
2010 Population	18,978	5,194,675	12,830,632
2000 Population	19,085	5,377,175	12,419,231
High School Degree	93.6%	84.5%	87.3%
Homeownership Rate	74.6%	58.3%	67.5%
Poverty Rate	8.7%	16.9%	14.1%

Source: Census.gov

TRANSPORTATION METRICS

	Brookfield
Daily Metra Ridership	952
Metra Stops	3
AV/Day* – Ogden	25,100 - 25,000
AV/Day – First Ave.	38,600 - 41,800
AV/Day – 31st St.	13,100 - 15,700
AV/Day – Prairie	7,800 - 10,900

*Average vehicles per day

Source: IDOT, Metra

II. Development Opportunity and Vision

The Village of Brookfield is committed to transit-oriented development with a focus on creating a higher density neighborhood with an eclectic mix of uses. With such development, the Project Site (refer to Section III herein) would enable the Village to fulfill certain key community goals detailed in the *Comprehensive Plan* and *8 Corners TIF Plan*.

Land Use Plan

The table below identifies key objectives of the *Comprehensive Plan* pertaining to the Project Site.

Goal	Objective
Improve the appearance of retail and commercial shopping areas (Comprehensive Plan Goal 4-1)	<ul style="list-style-type: none"> ▪ Encourage high-quality site development
Promote 8 Corners and the downtown as the primary mixed-use, pedestrian-oriented environments (Goal 4-3)	<ul style="list-style-type: none"> ▪ Promote a mix of commercial, retail, entertainment and multi-family uses ▪ Prioritize redevelopment that enhances the pedestrian scale of 8 Corners and downtown ▪ Establish stronger connections between 8 Corners and the downtown
Provide redevelopment opportunities in commercial nodes and residential neighborhoods (Goal 4-4)	<ul style="list-style-type: none"> ▪ Identify land for redevelopment at key locations ▪ Reduce vacant buildings and lots through active marketing

Source: Excerpts from the Comprehensive Plan

8 Corners TIF Plan

The 8 Corners TIF District was established in 2016 and is in effect for 23 years per state statute. As referenced in the 8 Corners TIF Plan, the TIF District supports the following Village objectives for the Project Area:

- Promotion of the redevelopment of underutilized property located within the Project Area;
- The assembly or coordination of property for viable redevelopment projects;
- Improvement of existing roads and right-of-ways, including the coordination of parking improvements, if needed;
- Provision for the necessary site preparation, grading, and demolition (if necessary) of property located within the RPA; and
- Coordination of redevelopment activities within the RPA in a manner that conforms with the fiscal and economic development policies of the Village.

Ultimately, the implementation of the TIF District would contribute to the economic development of the general area, support of adjacent businesses, and new employment opportunities for Village residents.

Zoning Context

The project area is within the C-3 zoning district. As such, a developer can erect a building up to three stories in height, by right.

Land Assembly

The Village owns the Project Site as depicted in Section III below. The Village will consider proposals incorporating any and all other contiguous parcels not included in the RFQ if the developer can provide reliable information that these parcels could be acquired by the developer over the course of the developer's preliminary project phases (in 2018). Any supplemental land acquisitions would be private acquisitions.

The Village may consider the vacation of adjoining public rights-of-way in order to accommodate a development project. Said vacation of public rights-of-way would be in addition to the primary area, the Project Site (see Section III below).

Economic Incentives

The Village of Brookfield is prepared to provide economic incentives to the selected developer to implement the vision of transit-oriented development, utilizing incentives such as conveyance of land at a discounted rate and/or waiver of certain permit fees.

The Village will consider incentives based on benefits to the community, pursuant to its existing TIF Policy. The TIF Policy is available at:

<http://brookfieldil.gov/departments/community-and-economic-development/tax-increment-finance-policy/>

III. Project Site Description

The Project Site is within the 8 Corners TIF District, an active area which is undergoing reinvestment. The Village also owns adjacent parcels not within the TIF District. The Project Site is 0.7 miles from the primary Brookfield Metra Station in the downtown. Please refer to the map located at:

<http://brookfieldil.gov/wp-content/uploads/2016/04/Maple-Avenue-at-Monroe.pdf>

The Project Site is in the geographic center of the Village and within walking distance of the downtown and public library. Shopping and dining options are also walkable, including a CVS drug store, a full-scale grocery store and multiple restaurants which are located within one block of the Project Site.

Questions concerning public utilities (including water/sewer service for the Project Site) can be addressed to Amy Wagner, Director of Public Works.

IV. Developer Selection Process

On the basis of the proposals submitted, the Village staff will identify the most qualified developer or developer team.

The Village of Brookfield reserves the right to reject any and all submittals, if the Village, in its sole discretion, determines that the submittals do not meet its goals and objectives for the development of this site.

RFQ Submittal Requirements

Prospective development teams should submit a response detailing its qualifications. An electronic copy can be submitted as PDF file transmitted via email or Dropbox.

The submittal format consists of four mandatory parts as follows:

1. Cover Letter

This section presents a summary of the project, private and public benefits if the project is built, and the “but-for” argument for Village assistance (if requested in Section 2). Oftentimes, the but-for argument is based upon certain extraordinary site development costs and/or the need to meet or exceed project investment return thresholds. If the but-for argument is based on meeting certain investment targets, please detail the estimated investment return with and without public incentives in Section 2.

2. Project Overview and Budget

In Section 2, please describe the general use for the Project Site including units and/or square footage. A project budget including an itemization of estimated Sources and Uses (i.e., construction costs) must be submitted as well. Regarding project funding Sources, please detail:

- The developer team’s equity contribution,
- Requested Village assistance (including land write-down if any), and
- Debt.

If Section 1 refers to meeting certain investment targets, in Section 2 please detail the estimated investment return with and without public incentives. Refer to Attachment B for a template to utilize for the estimated Sources and Uses and investment return analysis.

3. Developer Team's Qualifications

The prospective Developer team must demonstrate experience in executing successful projects of similar scope and quality. The Village expects a minimum level of experience to be demonstrated, including but not limited to the following:

- Demonstrated financial resources and commitments to both acquire and develop the property as provided in financial statements, evidence of equity and debt financing, or other similar demonstration.
- A list of projects as a developer over the past five (5) years, including location, project overall size and type of use (e.g., for-sale or rental multifamily, row homes, residential apartments), overall construction cost, and the current occupancy and ownership of these projects.

4. Economic Disclosure Statement

The disclosure statement is a questionnaire requesting information concerning the developer legal entity and disclosures of certain economic interests. Please refer to Attachment C.

Optional elements include:

- Proposals that consider incorporating nearby parcels not included in the Project Site. These could include any developer-acquired parcels.
- Anticipated general and tentative development/construction schedule, if selected. It is recognized that several factors that impact any expected schedule may be outside of the prospective developer's direct control and that a mutually agreed upon schedule would be part of a redevelopment agreement with the Village.
- Any visual depiction or renderings (e.g., using "SketchUp" or other software tool) of the Project.

Evaluation Criteria

The following criteria refer to the developer's ability to execute and other criteria:

- **Developer Experience** - Consideration will be given to the developer team(s) having a history of successful real estate development and demonstrating the interdisciplinary expertise required for this type of project. Of prime consideration is a track record of high quality development sensitive to the setting, design expertise, and the ability to attract/retain quality buyers and tenants. Consideration will be given to experience on projects similar to what is being proposed for the Project Site.
- **Organization and Personnel** - In addition to the development team's overall capabilities and experience, consideration will be given to the personnel assigned to the Project Site and the manner in which they will be organized and managed.
- **Vision and Conceptual Project Description**

- Financial Capability - Financial capability of the development team will be an additional criterion, including evidence of the ability to obtain construction and permanent financing.

The Village reserves the right to consider in part or in whole, waive selection criteria in part or in whole, or waive any inconsistencies or irregularities in part or in whole in responses to determine and select the best overall qualified developer(s), in the Village’s opinion, to execute the Project.

Based upon the review of the developer’s submittal, the Village at its sole discretion will make a final selection, which will be based on combination of developer qualifications and proposal in relation to the foregoing criteria. The Village is not obligated or required to select any developer, or to negotiate any redevelopment agreement.

Proprietary Information

All responses shall become property of the Village of Brookfield upon receipt. Any restrictions on the use of information contained within a proposal shall be clearly stated as such within the proposal. The Village will only be able to comply with a request for confidentiality to the extent allowed by law.

V. RFQ Timetable

RFQ Response Deadline

Complete responses, including all required documentation identified in this solicitation, shall clearly be marked “RFQ Response for Village of Brookfield” and shall be submitted electronically no later than 5:00 PM on June 22, 2018. Incomplete responses will not be considered.

Subsequent to June 22, 2018, the Village will select a developer based upon the above criteria and draft a term sheet detailing the basic economic deal terms. A term sheet would be the basis for the negotiation of a redevelopment agreement with a selected developer.

Questions

Any questions can be submitted in writing via email to Nicholas Greifer, Director of Community & Economic Development at: ngreifer@brookfieldil.gov. Questions must be submitted on or before May 31, 2018.

Preliminary Timetable, Subject to Change

The preliminary timetable for the redevelopment project is as follows, subject to change:

- | | |
|--|---------|
| 1. Village files public notice | 5/23/18 |
| 2. Village issues RFQ | 5/24/18 |
| 3. Developers submit questions to staff* | 5/31/18 |
| 4. Developers submit RFQ response | 6/22/18 |
| 5. Staff reviews RFQ responses | 6/29/18 |

- | | |
|---|---------|
| 6. Staff selection of developer | 7/6/18 |
| 7. Staff and developer draft term sheet | 7/20/18 |
| 8. Staff and developer begin draft of RDA | 7/27/18 |
| 9. Execute RDA | 8/3/18 |
- *Optional step

ATTACHMENT A
ELECTRONIC DOCUMENTS AVAILABLE ON VILLAGE WEBSITE

TIF Incentive Policy:

<http://brookfieldil.gov/departments/community-and-economic-development/tax-increment-finance-policy/>

Project Site Map:

<https://brookfieldil.gov/wp-content/uploads/2016/04/Maple-Avenue-at-Monroe.pdf>

TIF Map:

<https://brookfieldil.gov/wp-content/uploads/2018/05/8-Corners-TIF-Map.pdf>

ATTACHMENT B
TEMPLATE FOR PROFORMA SOURCES AND USES AND INVESTMENT PROJECTIONS

For convenience, the following template is available as an Excel file.

**SCHEDULE II
FOR DISCUSSION PURPOSES ONLY**

**Village of Brookfield
Bowling Alley Redevelopment**

**Project Summary
Sources and Uses of Funds
21-May-18**

USES:

	<u>\$ Amount</u>	<u>\$ Amount</u>	Cost/Sq. Ft.
Land Acquisition Costs			
Existing Pad		0	
Alley		0	
Total Land Acquisition Costs			0
Site Preparation			
Site Demolition		0	
Utilities to Site/Earthwork/Misc		<u>0</u>	
Total Site Preparation			0
Construction			
Roadway Improvements		0	
On Site Utilities & Fire Loop		0	
Equipment		0	
Fencing		0	
Landscaping		0	
Finishes		0	
Site Lighting		0	
Exterior/Interior Construction		0	
Tenant Build-Out Allowance		0	
Contingency		<u>0</u>	
Total Construction Costs			0
Soft Costs			
Contractor Fees		0	
Construction Management Fees		0	
Architectural / Engineering Design Fee		0	
Appraisals		0	
Civil Engineering/Survey		0	
Soil Borings		0	
Title Insurance/ Escrow		0	
General Insurance		0	
Permits and Fees		0	
TIF Legal/Consultants		0	
Development Marketing		0	
Site Supervision and Management		0	
Construction Loan Fees		0	
Construction Loan Interest		0	
Mortgage Banking Fees		0	
Land Closing Costs		0	
Leasing Commissions		0	
Property Taxes		0	
Soft Cost Contingency		<u>0</u>	
Total Soft Costs			0
TOTAL USES			0

SOURCES:

			Pct.
<u>Without Financial Assistance</u>			
Equity*		0	
Debt		0	
Other Sources		0	
TOTAL SOURCES (W/O ASSISTANCE)		0	
<u>With Financial Assistance</u>			
Equity*		0	
Debt		0	
Public Financial Assistance		0	
TOTAL SOURCES (WITH ASSISTANCE)		0	

Village of Brookfield
Bowling Alley Redevelopment
RETURN ANALYSIS

Assumptions Without Public Financial Assistance

Preliminary IRR Review with Assumptions

Total Investment	0
Loan	0
Loan Term	0 years
Loan Rate (Long Term)	0.0%
Equity	0
Sq. Ft.	0
Avg. Rent/Sq. Ft./Year	\$0.00 Rentals are triple net: tenant pays taxes, insurance, maintenance

Vacancy	0.00%
Reserves/S.F.	\$0.00
Mngmt. %	0.00%
Maint. of vacant areas	\$0.00 (Operating Expense & Taxes)
Inflation:	0.00% Flat rental rate

Year	Project NOI	Less: Vacancy	Reserves	Management	Maint. of Vac.	Income Before Debt Service	Debt Service	NOI	IRR Calculation NOI	Add Residual	Schedule: Principal	Interest	Principal Balance
Construction													
1	0	0	0	0	0	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0	0	0	0	0	0
4	0	0	0	0	0	0	0	0	0	0	0	0	0
5	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0	0	0	0	0

IRR analysis:

Assumptions				
Cap Rate	0.00%	Value 10 yrs.	IRR Calculation	x%
Costs of Sale	0.00%	Less:		
Mortgage	0	Costs		
Balance		Mortgage		
		Residual		

Village of Brookfield
Bowling Alley Redevelopment
RETURN ANALYSIS

Assumptions With Public Financial Assistance

Preliminary IRR Review with Assumptions

Total Investment	0	Construction costs and allocation of land and soft costs
Public Financial Assistance	0	Developer request
Loan	0	
Loan Term	0 years	
Loan Rate (Long Term)	0.0%	
Equity	0	
Sq. Ft.	0	
Avg. Rent/Sq. Ft./Year	\$0.00	Rentals are triple net: tenant pays taxes, insurance, maintenance
Annual Ground Lease Payment	\$0.00	

Vacancy	0.00%
Reserves/S.F.	\$0.00
Mngmt. %	0.00%
Maint. on vac.	\$0.00 (Operating Expense & Taxes)
Inflation:	0.00% Flat rental rate

Year	Project NOI	Less: Vacancy	Reserves	Management	Maint. of Vac.	Income Before Debt Service	Debt Service	NOI	IRR Calculation NOI	Add Residual	Schedule: Principal	Interest	Principal Balance
Construction													
1	0	0	0	0	0	0	0	0	0	0	0	0	0
2	0	0	0	0	0	0	0	0	0	0	0	0	0
3	0	0	0	0	0	0	0	0	0	0	0	0	0
4	0	0	0	0	0	0	0	0	0	0	0	0	0
5	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0	0	0	0	0

IRR analysis:

Assumptions				
Cap Rate	0.00%	Value 10 yrs.	IRR Calculation	y%
Costs of Sale	0.00%	Less:		
Mortgage	0	Costs		
Balance		Mortgage		
		Residual		

ATTACHMENT C
ECONOMIC DISCLOSURE STATEMENT

The Economic Disclosure Statement is a questionnaire detailing information about the developer or developer team.

INSTRUCTIONS FOR COMPLETING THE ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT

The Village of Brookfield (the “Village”) requires disclosure of the information requested in this Economic Disclosure Statement and Affidavit (“EDS”) before the Village of Brookfield will take action regarding the matter that is the subject of this EDS. Please fully complete each statement, with all information current as of the date this EDS is signed. If a question is not applicable, answer with “N.A.” An incomplete EDS will be returned, and any Village action will be delayed.

Please print or type all responses clearly and legibly. Add additional pages if needed, being careful to identify the portion of the EDS to which each additional page refers.

For purposes of this EDS:

“Applicant” means any entity or person making an application to the Village for action requiring Village board of trustees or other Village commission approval.

“Disclosing Party” means any entity or person submitting an EDS.

“Entity” or **“Legal Entity”** means a legal entity (for example, a corporation, partnership, joint venture, limited liability company or trust).

“Person” means a human being.

WHO MUST SUBMIT AN EDS:

An EDS must be submitted in any of the following three circumstances:

1. Applicants: An Applicant must always file this EDS. If the Applicant is a legal entity, state the full name of that legal entity. If the Applicant is a person acting on his/her own behalf, state his/her name.
2. Entities holding an interest: Whenever a legal entity has a beneficial interest (i.e., direct or indirect ownership) of more than 7.5% in the Applicant, each such legal entity must file an EDS on its own behalf.
3. Controlling entities. Whenever a Disclosing Party is a general partnership, limited partnership, limited liability company, limited liability partnership or joint venture that has a general partner, managing member, manager or other entity that can control the day-to-day management of the Disclosing Party, that entity must also file an EDS on its own behalf. Each entity with a beneficial interest of more than 7.5% in the controlling entity must also file an EDS on its own behalf.

**VILLAGE OF BROOKFIELD
ECONOMIC DISCLOSURE STATEMENT AND AFFIDAVIT**

SECTION I -- GENERAL INFORMATION

A. Legal name of Disclosing Party submitting this EDS. Include d/b/a/ if applicable:

Check ONE of the following three boxes:

Indicate whether Disclosing Party submitting this EDS is:

1. the Applicant

OR

2. a legal entity holding a direct or indirect interest in the Applicant. State the legal name of the Applicant in which Disclosing Party holds an interest:

OR

3. a specified legal entity with a right of control (see Section II.B.1.b.). State the legal name of the entity in which Disclosing Party holds a right of control:

B. Business address of Disclosing Party:

C. Telephone: _____ Fax: _____ Email:

D. _____ Name _____ of _____ contact _____ person:

E. Federal Employer Identification No. (if you have one):

F. Brief description of contract, transaction or other undertaking (referred to below as the "Matter") to which this EDS pertains. (Include project number and location of property, if applicable):

SECTION II -- DISCLOSURE OF OWNERSHIP INTERESTS

A. NATURE OF DISCLOSING PARTY

1. Indicate the nature of the Disclosing Party:

- Person
- Publicly registered business corporation
- Privately held business corporation
- Sole proprietorship
- General partnership*
- Limited partnership*
- Trust
- Limited liability company*
- Limited liability partnership*
- Joint venture*
- Not-for-profit corporation
(Is the not-for-profit corporation also a 501(c)(3))? Yes No
- Other (please specify) _____

* Note B.1.b below.

2. For legal entities, the state (or foreign country) of incorporation or organization, if applicable:

3. For legal entities not organized in the State of Illinois: Has the organization registered to do business in the State of Illinois as a foreign entity?

- Yes No N/A

B. IF THE DISCLOSING PARTY IS A LEGAL ENTITY:

1.a. List below the full names and titles of all executive officers and all directors of the entity.

For not-for-profit corporations, also list below all members, if any, which are legal entities. If there are no such members, write "no members." For trusts, estates or other similar entities, list below the legal titleholder(s).

Name	Title
_____	_____
_____	_____
_____	_____

1.b. If you checked "General partnership," "Limited partnership," "Limited liability company," "Limited liability partnership" or "Joint venture" in response to Item A.1. above (Nature of Disclosing Party), list below the name and title of each general partner, managing member, manager or any other person or entity that controls the day-to-day management of the Disclosing Party. **NOTE:** Each legal entity listed below must submit an EDS on its own behalf.

Name	Title
_____	_____
_____	_____
_____	_____

2. Please provide the following information concerning each person or entity having a direct or indirect beneficial interest (including ownership) in excess of 7.5% of the

Disclosing Party. Examples of such an interest include shares in a corporation, partnership interest in a partnership or joint venture, interest of a member or manager in a limited liability company, or interest of a beneficiary of a trust, estate or other similar entity. If none, state "None." **NOTE:** The Village may require any such additional information from any applicant which is reasonably intended to achieve full disclosure.

Name	Business Address	Percentage Interest in the Disclosing Party
_____	_____	_____
_____	_____	_____
_____	_____	_____

SECTION III -- BUSINESS RELATIONSHIPS WITH VILLAGE ELECTED OFFICIALS

Does the Disclosing Party have or has the Disclosing Party had a business relationship with any Village elected official in the 12 months before the date this EDS is signed?

- Yes No

If yes, please identify below the name(s) of such Village elected official(s) and describe such relationship(s):

SECTION IV - DISCLOSURE OF SUBCONTRACTORS AND OTHER RETAINED PARTIES

The Disclosing Party must disclose the name and business address of each subcontractor, attorney, lobbyist, accountant, consultant and any other person or entity that the Disclosing Party has retained or expects to retain in connection with the Matter, as well as the nature of the relationship, and the total amount of the fees paid or estimated to be paid. The Disclosing Party is not required to disclose employees who are paid solely through the Disclosing Party's regular payroll.

"Lobbyist" means any person or entity who undertakes to influence any legislative or administrative action on behalf of any person or entity other than: (1) a not-for-profit entity on an unpaid basis, or (2) himself. "Lobbyist" also means any person or entity any part of whose duties as an employee of another include undertaking to influence any legislative or administrative action.

If the Disclosing Party is uncertain whether a disclosure is required under this Section, the Disclosing Party must either ask the Village whether disclosure is required or make the disclosure.

Name (indicate whether retained or anticipated to be retained)	Business Address	Relationship to Disclosing Party (subcontractor, attorney, lobbyist, etc.)	Fees (indicate whether paid or estimated)

(Add sheets if necessary)

Check here if the Disclosing party has not retained, nor expects to retain, any such persons or entities.

SECTION V – CERTIFICATIONS

1. The Disclosing Party and, if the Disclosing Party is a legal entity, all of those persons or entities identified in Section II.B.1. of this EDS:

a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;

b. have not, within a five-year period preceding the date of this EDS, been convicted of a criminal offense, adjudged guilty, or had a civil judgment rendered against them in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; a violation of federal or state antitrust statutes; fraud; embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; or receiving stolen property;

c. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in clause 1.b. of this Section V;

d. have not, within a five-year period preceding the date of this EDS, had one or more public transactions (federal, state or local) terminated for cause or default; and

e. have not, within a five-year period preceding the date of this EDS, been convicted, adjudged guilty, or found liable in a civil proceeding, or in any criminal or civil action, including actions concerning environmental violations, instituted by the Village or by the federal government, any state, or any other unit of local government.

2. The certifications in subparts 2, 3 and 4 concern:

- the Disclosing Party;
- any “Applicable Party” (meaning any party participating in the performance of the Matter, including, but not limited to, any persons or legal entities disclosed under Section IV, “Disclosure of Subcontractors and Other Retained Parties”);
- any “Affiliated Entity” (meaning a person or entity that, directly or indirectly controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity. Indicia of control include, without limitation:

interlocking management or ownership; identity of interests among family members, shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with federal or state or local government, including the Village, using substantially the same management, ownership, or principals as the ineligible entity); with respect to Applicable Parties, the term Affiliated Entity means a person or entity that directly or indirectly controls the Applicable Party, is controlled by it, or, with the Applicable Party, is under common control of another person or entity;

- any responsible official of the Disclosing Party, any Applicable Party or any Affiliated Entity or any other official, agent or employee of the Disclosing Party, any Applicable Party or any Affiliated Entity, acting pursuant to the direction or authorization of a responsible official of the Disclosing Party, any Applicable Party or any Affiliated Entity (collectively “Agents”).

Neither the Disclosing Party, nor any Applicable Party, nor any Affiliated Entity of either the Disclosing Party or any Applicable Party nor any Agents have, during the five years before the date this EDS is signed, or, with respect to an Applicable Party, an Affiliated Entity, or an Affiliated Entity of an Applicable Party during the five years before the date of such Applicable Party’s or Affiliated Entity’s contract or engagement in connection with the Matter:

- a. bribed or attempted to bribe, or been convicted or adjudged guilty of bribery or attempting to bribe, a public officer or employee of the Village, the State of Illinois, or any agency of the federal government or of any state or local government in the United States of America, in that officer’s or employee’s official capacity;
- b. agreed or colluded with other bidders or prospective bidders, or been a party to any such agreement, or been convicted or adjudged guilty of agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
- c. made an admission of such conduct described in a. or b. above that is a matter of record, but have not been prosecuted for such conduct.

3. Neither the Disclosing Party, Affiliated Entity or Applicable Party, or any of their employees, officials, agents or partners, is barred from contracting with any unit of state or local government as a result of engaging in or being convicted of (1) bid-rigging in violation of 720 ILCS 5/33E-3; (2) bid-rotating in violation of 720 ILCS 5/33E-4; or (3) any similar offense of any state or of the United States of America that contains the same elements as the offense of bid-rigging or bid-rotating.

4. Neither the Disclosing Party nor any Affiliated Entity is listed on any of the following lists maintained by the Office of Foreign Assets Control of the U.S. Department of the Treasury or the Bureau of Industry and Security of the U.S. Department of Commerce or their successors: the Specially Designated Nationals List, the Denied Persons List, the Unverified List, the Entity List and the Debarred List.

5. If the Disclosing Party is unable to certify to any of the above statements in this Part B (Further Certifications), the Disclosing Party must explain below:

If the letters “NA,” the word “None,” or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

SECTION VI - CERTIFICATION REGARDING INTEREST IN VILLAGE BUSINESS

1. Does any official or employee of the Village have a financial interest in his or her own name or in the name of any other person or entity in the Project?

Yes No

NOTE: If you checked “Yes” to Item 1., proceed to Items 2. and 3. If you checked “No” to Item 1., proceed to Item 4.

2. Unless sold pursuant to a process of competitive bidding, or otherwise permitted, no Village elected official or employee shall have a financial interest in his or her own name or in the name of any other person or entity in the purchase of any property that (i) belongs to the Village, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the Village (collectively, “Village Property Sale”). Compensation for property taken pursuant to the Village’s eminent domain power does not constitute a financial interest within the meaning of this Part C.

Does the Project involve a Village Property Sale?

Yes No

3. If you checked “Yes” to Item 1., provide the names and business addresses of the Village officials or employees having such interest and identify the nature of such interest:

Name	Business Address	Nature of Interest

4. The Disclosing Party further certifies that no prohibited financial interest in the Project will be acquired by any Village official or employee. Yes No

SECTION VII -- ACKNOWLEDGMENTS, CONTRACT INCORPORATION, COMPLIANCE, PENALTIES, DISCLOSURE

The Disclosing Party understands and agrees that:

A. By completing and filing this EDS, the Disclosing Party acknowledges and agrees, on behalf of itself and the persons or entities named in this EDS, that the Village may investigate the creditworthiness of some or all of the persons or entities named in this EDS.

B. The certifications, disclosures, and acknowledgments contained in this EDS will become part of any contract or other agreement between the Applicant and the Village in connection with the Matter, whether procurement, Village assistance, or other Village action, and are material inducements to the Village’s execution of any contract or taking other action with respect to the Matter. The Disclosing Party understands that it must comply with all statutes, ordinances, and regulations on which this EDS is based.

C. The Village’s Ethics Ordinances, Article VII of Chapter 2 of the Code of Ordinances, Village of Brookfield, Illinois, impose certain duties and obligations on persons or entities seeking Village contracts, work, business, or transactions. The full text of these ordinances is available on line at <https://www.municode.com/library/il/brookfield>. The Disclosing Party must comply fully with the applicable ordinances.

D. If the Village determines that any information provided in this EDS is false, incomplete or inaccurate, any contract or other agreement in connection with which it is submitted may be rescinded or be void or voidable, and the Village may pursue any remedies under the contract or agreement (if not rescinded, void or voidable), at law, or in equity, including terminating the Disclosing Party’s participation in the Project and/or declining to allow the Disclosing Party to participate in other transactions with the Village. Remedies at law for a false statement of material fact may include incarceration and an award to the Village of treble damages.

E. It is the Village’s policy to make this document available to the public on its Internet site and/or upon request. Some or all of the information provided on this EDS and any attachments to this EDS may be made available to the public on the Internet, in response to a Freedom of Information Act request, or otherwise. By completing and signing this EDS, the Disclosing Party waives and releases any possible rights or claims that it may have against the Village in connection with the public release of

information contained in this EDS and also authorizes the Village to verify the accuracy of any information submitted in this EDS.

F. The information provided in this EDS must be kept current. In the event of changes, the Disclosing Party must supplement this EDS up to the time the Village takes action on the Project. The Disclosing Party represents and warrants that:

G. The Disclosing Party has not withheld or reserved any disclosures as to economic interests in the Disclosing Party, or as to the Project, or any information, data or plan as to the intended use or purpose for which the Applicant seeks Village action.

For purposes of the certifications in H.1. and H.2. below, the term “affiliate” means any person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity. Indicia of control include, without limitation: interlocking management or ownership; identity of interests among family members; shared facilities and equipment; common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with the federal government or a state or local government, including the Village, using substantially the same management, ownership, or principals as the ineligible entity.

H.1. The Disclosing Party is not delinquent in the payment of any tax administered by the Illinois Department of Revenue, nor are the Disclosing Party or its affiliates delinquent in paying any fine, fee, tax or other charge owed to the Village. This includes, but is not limited to, all water charges, sewer charges, license fees, parking tickets, property taxes or sales taxes.

H.2. If the Disclosing Party is the Applicant, the Disclosing Party and its affiliates will not use, nor permit their subcontractors to use, any facility on the U.S. EPA’s List of Violating Facilities in connection with the Project for the duration of time that such facility remains on the list.

H.3. If the Disclosing Party is the Applicant, the Disclosing Party will obtain from any contractors/subcontractors hired or to be hired in connection with the Project certifications equal in form and substance to those in H.1. and H.2. above and will not, without the prior written consent of the Village, use any such contractor/subcontractor that does not provide such certifications or that the Disclosing Party has reason to believe has not provided or cannot provide truthful certifications.

NOTE: If the Disclosing Party cannot certify as to any of the items in H.1., H.2. or H.3. above, an explanatory statement must be attached to this EDS.

CERTIFICATION

Under penalty of perjury, the person signing below: (1) warrants that he/she is authorized to execute this EDS on behalf of the Disclosing Party, and (2) warrants that all certifications and statements contained in this EDS are true, accurate and complete as of the date furnished to the Village.

_____ Date: _____
(Print or type name of Disclosing Party)

By:

(Sign here)

(Print or type name of person signing)

(Print or type title of person signing)

Signed and sworn to before me on _____, by

(Date)

at _____ County, _____ (State).

Notary Public.

My Commission Expires:_____.

(SEAL)

PRINCIPAL PROFILE

The following information must be provided for each individual that is an owner, partner, investor, director or officer of the applicant entity or of any entity holding an interest in the applicant. The information will be provided only for the purpose of determining whether any of the listed persons have outstanding water bills, traffic or parking tickets or other obligations owing to the Village of Brookfield. All outstanding obligations must be satisfied before the Village of Brookfield will proceed with the application.

Name:
Home Address:
Date of Birth:
Social Security Number:
Driver's License Number:
License Plate Number:

Name:
Home Address:
Date of Birth:
Social Security Number:
Driver's License Number:
License Plate Number:

Name:
Home Address:
Date of Birth:
Social Security Number:
Driver's License Number:
License Plate Number:

Name:
Home Address:
Date of Birth:
Social Security Number:
Driver's License Number:
License Plate Number:

(Must be typed)